

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Consolidated Civil Action**

RALEIGH WAKE CITIZENS
ASSOCIATION, et al.

Plaintiffs,

v.

WAKE COUNTY BOARD
OF ELECTIONS,

Defendant.

No. 5:15-cv-156

CALLA WRIGHT, et al.,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA,
et al.,

Defendants.

No. 5:13-cv-607

**CONSENT MOTION FOR A FURTHER EXTENSION OF TIME
TO FILE MOTION FOR ATTORNEYS' FEES AND COSTS**

All Plaintiffs in the above-captioned consolidated civil action, by and through counsel, and pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 6.1, respectfully move this Court for a further unopposed extension of time in which to file their motions for attorneys' fees and costs. In support of this Motion, Plaintiffs show the court the following:

1. On August 12, 2016, for good cause shown and with the consent of the parties, this Court extended Plaintiffs' deadline for filing all documents related to attorneys' fees and

costs until October 8, 2016. *Raleigh Wake Citizens Ass'n v. Wake Cnty. Bd. of Elections*, No. 5:15-cv-156, ECF No. 107 (Order); *Wright v. North Carolina*, No. 5:13-cv-607, ECF No. 122 (same).

2. In its August 12 Order, the Court stated that “[i]f either party files or is contemplating a petition for writ of certiorari, a party has leave to file an appropriate motion for a further extension of time in which to file or amend motions related to attorneys’ fees and costs until thirty days after the U.S. Supreme Court rules on the petition.” *Raleigh Wake Citizens Ass'n*, ECF No. 107 at 2; *Wright*, ECF No. 122 at 2.

3. Defendant has until October 24, 2016 to seek a writ of certiorari with respect to the July 1, 2016 judgment of the U.S. Court of Appeals for the Fourth Circuit. *See* U.S. Supreme Court Rule 13. During the pendency of any such appellate proceedings, Plaintiffs would continue to accrue costs and fees.

4. Plaintiffs’ counsel has conferred with Defendant’s counsel regarding compensation for attorneys’ fees and costs in this consolidated action, and continues to actively confer with Defendant’s counsel on the matter. The parties hope to reach a settlement on fees and costs without involving the Court. To facilitate these discussions, Plaintiffs request that the deadline for filing all motions related to attorneys’ fees and costs be further extended until thirty days after final disposition of proceedings in the United States Supreme Court or, in the event that no petition is filed, until thirty days after the deadline to file a petition. Plaintiffs’ counsel has consulted with Defendant’s counsel, which consents to the additional time Plaintiffs request for filing a bill of costs and motions for attorneys’ fees and nontaxable costs.

Therefore, Plaintiffs respectfully request that the deadlines for filing all motions and petitions related to attorneys’ fees and costs (taxable and nontaxable) be extended as follows:

- a. If Defendant files a petition for writ of certiorari with the U.S. Supreme Court, Plaintiffs' deadline for filing motions and petitions related to attorneys' fees and costs should be extended until thirty days after the U.S. Supreme Court denies the writ or, if the writ is granted, makes a final ruling on the case; or
- b. If Defendant does not file a petition for writ of certiorari with the U.S. Supreme Court, Plaintiffs' deadline for filing motions and petitions related to attorneys' fees and costs should be extended until November 23, 2016, which is thirty days after October 24, 2016, the last day for Defendant to file the petition for writ of certiorari.

In support of this Motion, in compliance with Local Rule 6.1, Plaintiffs submit the accompanying Proposed Order.

Respectfully submitted this 6th day of October, 2016.

/s/ Allison J. Riggs

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CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing **Consent Motion for a Further Extension of Time to File Motions for Attorneys' Fees and Costs** with the Clerk of Court using the CM/ECF system, which will automatically send an electronic copy to the following attorneys of record:

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This the 6th day of October, 2016.

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